

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

OBER CANALES,	:	
	:	Civil Action No. 06-4158 (RMB)
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
ROBERT MORAN, et al.,	:	
	:	
Defendants.	:	

For the reasons expressed in the Court's Opinion filed herewith,

It is on this 20th day of September, 2006,

ORDERED that, pursuant to 28 U.S.C. § 1915(a) and (b), the application by plaintiff, Ober Canales, to proceed in forma pauperis is hereby granted; and it is further

ORDERED that the Clerk of the Court is directed to file the Complaint without prepayment of the filing fee; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail on the Attorney General of the State of New Jersey and on the Warden at Atlantic County Jail; and it is further

ORDERED that plaintiff is assessed a filing fee of \$350.00 which shall be deducted from plaintiff's prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 fee is paid, each month that the amount in plaintiff's prison account exceeds \$10.00, the agency having custody of plaintiff shall assess, deduct from his account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to plaintiff's prison account, with each payment referencing the civil docket number of this action; and it is further

ORDERED that the Complaint is DISMISSED WITHOUT PREJUDICE, in its entirety, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), for failure to state a claim upon which relief may be granted at this time.

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge